IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

GUY LEMIEUX,) No. C 10-03685 JW (PR)				
Petitioner, vs.	ORDER DIRECTING PETITIONER TO FILE PETITION AND CERTIFICATE OF FUNDS IN PRISONER'S ACCOUNT				
R. GROUNDS, Warden,					
Respondent.					

On August 19, 2010, the Court received documents from petitioner labeled Exhibits A-F containing records pertaining to petitioner's suitability for parole over several parole hearings¹ The Clerk of the court sent petitioner a notice on September

¹ Exhibit A is comprised of pages 57-68 of a transcript of the "California Board of Parole Hearings Decision" dated November 28, 2005; Exhibit B is comprised of pages 1-98 of the transcript of a "Subsequent Parole Consideration Hearing" held on March 5, 2009; Exhibit C includes psychological evaluations for October 2008, (pp. 1-9), October 2003, (pp. 1-7), November 1998 (pp. 1-4), October 1996 (pp. 1-2), October 1995 (pp. 1-2), September 1994 (pp. 1-2), and a psychological intake evaluation dated December 1992; Exhibit D is a "Life Prisoner Evaluation Report" for November 2008 (pp. 1-4), and a "Life Prisoner Progress Report" for May 2008 (3 pages); Exhibit E is a "Life Prisoner Evaluation Report" for December 2003 (pp. 1-4); and Exhibit F includes various pages from different transcripts of the "California Board of Prison Terms Decision," starting with pages 69-71 of a decision dated May 18, 2004, pages 79-85 of a decision dated December 17, 2002, pages 40-44 of a decision dated December 18, 2001, pages 44-47 of a decision dated August 21, 2000, pages 29-31 of a decision dated February 22, 1999,

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3.) Petitioner was directed to submit a petition within thirty days from the date of the notice or face dismissal of the action. (Id.)

Petitioner responded in a letter filed September 27, 2010, asserting that he filed a petition the previous month. Unfortunately, it appears that due to a clerical error the petition became separated from the Exhibits and not filed. Accordingly, petitioner is directed to file another copy of the petition which he intended to accompany the Exhibits filed under Docket No. 1. Petitioner should also file any missing pages from the Exhibits as he deems appropriate, see note 1, and identify where the supplemental pages should be filed. Petitioner is directed to file a copy of the original petition, or use the court's form petition to file a newly prepared petition, no later than thirty (30) days from the date of this order. The petition will be deemed filed as of the date the Exhibits were received.

Petitioner's in forma pauperis application, (Docket No. 4), is deficient because petitioner failed to submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison. Petitioner shall file the completed Certificate no later than thirty (30) days from the date of this order.

Failure to file a petition and a Certificate of Funds in Prisoner's Account in the time provided by this order may result in dismissal without prejudice of this action without further notice to petitioner.

The Clerk shall enclose two copies of the court's form petition and two blank Certificate of Funds in Prisoner's Account with a copy of this order to petitioner.

January 24, 2011 DATED:

ited States District Judge

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pages 32-34 of a decision dated February 3, 1998, pates 32-33 of a decision dated February 25, 1997, and pages 44-48 of a decision dated January 4, 1995.

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF CALIFORNIA

GUY LEMIEUX,	Case Number: CV10-03685 JW				
Petitioner,	CERTIFICATE OF SERVICE				
v.					
R. GROUNDS, Warden,					
Respondent.					
I, the undersigned, hereby certify the Court, Northern District of Californi	at I am an employee in the Office of the Clerk, U.S. District a.				
attached, by placing said copy(ies) in	, I SERVED a true and correct copy(ies) of the n a postage paid envelope addressed to the person(s) envelope in the U.S. Mail, or by placing said copy(ies) into cated in the Clerk's office.				
Guy Lemieux D-42425 P.O. Box 689 Z-Wing-125L Soledad, CA 93960-0689					
Dated:1/31/2011	Dichard W. Wiaking Clark				
	Richard W. Wieking, Clerk /s/ By: Elizabeth Garcia, Deputy Clerk				